

Subject: **March 4, 2005 Meeting Minutes**

A meeting of the Perchlorate Community Advisory Group was held at the San Martin Lions Club, 12415 Murphy Avenue, San Martin, on March 4th, 2005 at 2 pm.

I. Pledge: The Chair, Ms. Sylvia Hamilton, led the Pledge.

II. Administrative Items:

- A. Attendee Sign-In Sheet was routed
- B. No new items added to the agenda
- C. February 4th, 2005 meeting minutes approved as written

III. Presentation/Discussion Topics

A. RWQCB Update (David Athey)

1. **February 4th Draft CAO Update:** The Regional Board has received public comments regarding the draft Long-term Groundwater Cleanup CAO from the Santa Clara Valley Water District, the City of Morgan Hill, PCAG, PMAG, Santa Clara County and Olin. The response to CAO comments is currently being reviewed by Regional Board management. A final CAO will be released in the upcoming weeks.

Q: Can Olin appeal this CAO order?

A: Mr. Athey replied that they do have the option to appeal the order.

2. **NE Flow:** Olin Corporation was requesting a hearing regarding the Dec 8th letter in which the Regional Board required Olin to submit a draft-sampling work plan, which includes additional sampling of wells North of the site. This directive also required Olin to do forensic studies around and northeast of the site. Olin withdrew their request for a hearing, partly because the SCVWD is planning to perform an investigation that will assist in meeting the objectives of the Regional Board's December 8, 2004 letter. Olin has agreed to install 2 more piezometer wells which brings the total number to 4, which will also assist in meeting the objectives of the Regional Board's December 8, 2004 letter.
3. **Tenant Soil & Groundwater tests update:** There is no new information to present regarding the Tenant soil tests. The weather has been too wet and cold lately, which prevents ex-situ bioremediation from working at the normal rate. It is expected that the soil contamination level will be down to 50ppb by Spring 2005. Olin continues to monitor groundwater at the site and claims that the plume is being contained.
4. **Monitoring Wells:** The RB does not have the well test results at this time.
5. **Alternative Water Supply CAO:** The State Water Board has issued a draft response to Olin Corporation's appeal of the July 2004 Alternative Water CAO that was issued by the RB. The State Board draft order states that Olin is justified in not agreeing to supply water to well owners with contaminations levels below 6 ppb. The agency called OEHHA has issued a Public Health Goal of 6 ppb and the State Water Board believes the Regional Board should use this as the trigger point until a drinking water standard is set by DHS. After the State Water Board issues its final order, the Regional Board will have to revise its Alternative Water CAO. A State Water Board will make its final decision after the public review process, which culminates with a workshop on April 6 in Sacramento. The RB staff has not discussed with

management how they intend to respond to the State Water Board draft order. The State Water Board has a comment period in which they ask for comments from the RB, Olin Corporation, and the public. Written comments are due by 5pm on Wednesday, March 30, 2005. There is an April 6th workshop for anyone who wishes to personally submit his or her comments.

Q: Will the April 6th workshop result in the State Water Board making a final decision?

A: No, the State Water Board is only listening to public comments.

Mr. Thomas Mohr of the SCVWD advised that it is good to submit written comments, because in Sacramento each person is given less than 10 minutes to make a comment.

Mr. Athey then encouraged the public to always comment on such issues because it can make a difference.

Mr. Craig O'Donnell added that Assemblyman John Laird's office is working on the letter to submit to OEHHA regarding the Public Health Goal for Perchlorate in California. He will let PCAG know when that is taking place so that they may comment.

Q: How can you address the nitrate problem?

A: The RB is working on the nitrate problem in different programs. If you would like more information regarding this issue please contact David Athey at dathey@waterboards.ca.gov

Q: If the State Water Board passes the order as written then how does it affect the current ion-exchange wells?

A: Olin cannot withdraw or remove the equipment unless the Department of Health and the RB gives their consent. There is an agreement between Olin and the water companies and if Olin does desire to make changes, the agreements state that a one year notice must be given.

Ms. Hamilton asked permission to form a subcommittee who will write a letter to the State Board commenting on behalf of PCAG. Permission was granted and encouraged.

6. **Work Plan Progress** (Thomas Mohr, Santa Clara Valley Water District): The SCVWD wants to investigate perchlorate contamination Northeast of the Tennant Avenue site. The study is taking place because the District feels that the source of the Morgan Hill well contamination is not clear. Currently the Regional Board does not feel there is sufficient information to hold Olin Corporation accountable. The testing done by the SCVWD will help determine how and when the perchlorate got there. The SCVWD believes that the contamination level before Olin began operation was zero. However, that assumption needs to be supported by evidence. The testing will be conducting several ways including using forensic geochemistry testing to determine the pattern of perchlorate occurrence. The SCVWD would like Olin, the City of Morgan Hill, and the Regional Board to review the plans so they agree that this is a good way to solve this problem. In addition, the Water District will continue to update PCAG as to the status of the testing.

Q: What is the time-frame of this testing?

A: The first step is to apply for funds, which can take a significant amount of time. Also it will take time to get various agencies to review the plans before it gets started

Q: What if Olin disagrees with the work plan? How will the SCVWD proceed with their investigation?

A: There will be a lot of flexibility in the work plan. Also, the SCVWD believes that Olin will agree and cooperate.

B. Alternative Water – (Sylvia Hamilton)

1. **DHS Certification of downsized ion-exchange systems:** The SCVWD has been trying to get a hold of David Spath from DHS. However, no one has been able to get in touch with him. A member of DHS said that there is no progress to report on the issue. Assemblyman John Laird's office has also been trying to get in touch with Mr. Spath regarding the same issue.
2. **High Volume Wells:** This issue will be discussed at the PCAG meeting next month.
3. **Reverse Osmosis:** Mr. Shannon Murphy who represents Watts Premier will be given the opportunity to speak about the treatment systems at a future PCAG meeting and/or helped to set up a community meeting for interested parties.
4. **CAO Work Plan Timeframe:** Olin is proceeding with their work plan for wells with the highest perchlorate concentrations. Olin Corp has installed two trial ion exchange systems. Their testing program is showing that wellhead treatment may be easier than point-of-entry treatment. Each well requires individualized testing.

C. Recent Standards/Research (Jerry Orlando)

1. **EPA Reference Dose:** The reference dose is set by the United States Environmental Protection Agency (EPA).
 - a) The EPA adopted the NAS Report level of 0.0007. It is analogous to the PHG and not enforceable.
 - b) The EPA is confident in their research and development process. The study itself received a medium-high confidence. The database on the other hand received a medium confidence because it lacks data on vulnerable groups. The RD received high confidence because it is based on the NOEL. More information is available on the EPA's website at www.epa.gov.
 - c) The Drinking Water Equivalent Level (DWEL) was also announced at 24.6 ppb. The DWEL assumes that all perchlorate in-take is due to water.
2. **Texas Tech Study:** The study measured the levels of perchlorate in milk and sought to find out whether it lowers iodide in human milk.
 - a) Dairy Milk: 46 of the 47 samples contained perchlorate.
Breast Milk: All contaminated with perchlorate.
 - a) Conclusions: No meaningful correlation between perchlorate and iodide levels in breast milk. Drinking water perchlorate does not correlate to milk perchlorate. Their hypothesis is that perchlorate consumption is mainly from food and not water. They recommend an increase of RDA of iodine for susceptible populations.
3. **Legislative Aspect** (Craig O'Donnell): Assemblyman John Laird's office is extremely concerned about the NAS report. A letter will be written to the California EPA about their position. Currently there is no legislation moving forward regarding the issue.

IV. Additional Topics

- A. Perchlorate Working Group (Tracy Hemmeter): The focus of the Perchlorate Working Group (PWG) is on serving the community. The group is comprised of senior management from the Santa Clara Valley Water District, Cities of Morgan Hill and Gilroy, and Santa Clara County who have formed because of common interests and shared jurisdictional responsibility. The group strategizes about how to meet the community's interests in a reliable supply of clean water and perchlorate cleanup. The Santa Clara Valley Water District is the recipient of the federal funding. The District discusses recommendations for using the federal funding with the PWG, along with PCAG and other interested parties. The final decisions of funding uses will be by the District Board of Directors.

Q: How does PWG access community input?

A: PWG brings their work plans to the community, primarily through PCAG, for comments.

- B. **New Terminology:** DHS changed their action level to notification level. The action level now refers to the time a well is taken offline.

V. Next Meeting- April 1, 2005 from 2 – 4 pm at the Lions Club Hall.

Meeting was adjourned

Minutes submitted by Zohra Karimi